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Alaska Native Tribal Health Consortium  
Division of Environmental Health and Engineering  
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## **Document Distribution**

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Division of Environmental Health and Engineering

# Cooperative Project Agreement

CPA

A Health Facility Improvement Project Between:  
The Alaska Native Tribal Health Consortium and  
The City of Skagway, Alaska  
Project No. AN 08-GK9  
July 2008

**COOPERATIVE PROJECT AGREEMENT  
HEALTH FACILITY IMPROVEMENT PROJECT  
CITY OF SKAGWAY, ALASKA**

**PROJECT NO. AN 08-GK9**

To complete this project, the ANTHC and the City of Skagway mutually agree to the terms and conditions contained in this Agreement.

PREPARED BY:

7/9/08  
Date

for Michael Chard, P.E.  
Project Manager  
DEHE, ANTHC

RECOMMENDED BY:

7/9/08  
Date

Paul C. Morrison, P.E.  
Health Facilities Manager  
DEHE, ANTHC

APPROVED BY:

7/16/08  
Date

Don Kashevaroff  
Chief Executive Officer  
ANTHC

APPROVED BY:

24 JUL 08  
Date

Thomas D. Cochran  
Thomas D. Cochran  
Mayor  
City of Skagway, Alaska

ATTEST:



Marjorie D. Harris  
Marjorie D. Harris  
Municipal Clerk

**COOPERATIVE PROJECT AGREEMENT  
HEALTH FACILITY IMPROVEMENT PROJECT  
CITY OF SKAGWAY, ALASKA**

**PROJECT NO. AN 08-GK9**

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**COOPERATIVE PROJECT AGREEMENT  
HEALTH FACILITY IMPROVEMENT PROJECT  
CITY OF SKAGWAY, ALASKA**

**PROJECT NO. AN 08-GK9**

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DATE OF AGREEMENT:  
July 2008

**A. INTRODUCTION**

Throughout this Cooperative Project Agreement (CPA) the following entities are referred to as follows:

City of Skagway	=	City
Alaska Native Tribal Health Consortium	=	ANTHC
Division of Environmental Health and Engineering	=	DEHE
Denali Commission	=	Commission

The ANTHC, DEHE, role is to provide lasting solutions to promote healthy communities.

This CPA contains information about the project scope of work, funding, costs, and administration, and is being performed under the provisions of the following agreements:

- Memorandum of Understanding between the Denali Commission and the Alaska Native Tribal Health Consortium for Health Program Activities, dated April 2008. This MOU defines the roles and responsibilities of each party.
- Denali Commission Financial Assistance Award Project No. 397-08, dated May 2008 and Project Authorization 00397-C dated May 20, 2008.

**B. SCOPE OF PROJECT**

This project will construct a new health clinic in the City of Skagway, Alaska. The scope of this project includes site preparation, materials and equipment, construction, and labor.

## C. PROJECT COST

### C 1. Cost Estimate Table

Job Type	Scope of Work	Qty	Units	Unit Cost	Total Cost	Funding Source
						Denali FY08
M-CL	Construct new clinic	1	LS	2,200,000	2,200,000	2,200,000
Total Award					2,200,000	2,200,000

### C 2. Project Funding

Contributor	Fiscal Year	Description	Amount
<u>Commission</u>	<u>Federal 2008</u>	<u>N/A</u>	<u>\$ 2,200,000</u>
<u>City</u>	<u>Muni 2009</u>	<u>Muni GO Bonds</u>	<u>\$ 4,000,000</u>
<u>State of Alaska</u>	<u>SOA 2009</u>	<u>Borough Grant</u>	<u>\$ 1,000,000</u>
<u>Rasmuson Foundation</u>	<u>2009</u>	<u>Borough Grant</u>	<u>\$ 800,000</u>
TOTAL PROJECT FUNDING			<u>\$ 8,000,000</u>

The Denali Commission stipulates that each project include an in-kind cost share contribution. This CPA identifies an in-kind contribution from the City in the amount of \$4,000,000; from the State of Alaska in the amount of \$1,000,000; and from the Rasmuson Foundation in the amount of \$800,000. This funding will be added to the Denali Commission project cost amount of \$2,200,000, bringing the total project cost amount to \$8,000,000.

Denali Commission funding for this health facility improvement project has been made available to the ANTHC through a separate Financial Assistance Award (FAA) between the Denali Commission and the ANTHC. Unless superseded by this agreement, all award conditions stipulated in the FAA and Project Authorization are incorporated into this agreement by reference.

It is understood that funding transfers will be made to the ANTHC incrementally. Project activities should not proceed until funding for each increment of work is available to the ANTHC. By signing this Agreement, the City is assuring that funding from other contributing agencies, if applicable, shall be made available to the project. If in-kind or other funding sources are unavailable, transfers to the City will be curtailed.

The City shall not be obligated to continue performance that requires an expenditure of more funds than awarded under this CPA plus funding from other sources as specified in the funding application to the Denali Commission. If the City has reason to believe that the total amount required for performance will be greater than the amount of this CPA plus any other funding source amounts so specified as initially available, the City shall provide notice to the ANTHC within ten days of discovery. If the Commission (or any other funding source) does not increase the funding authorization for the project, the City may suspend performance until sufficient additional funds are awarded, or complete the project without additional funding assistance through this CPA.

#### D. PROJECT ADMINISTRATION

In conformance with the Commission's Project Authorization 00397-C dated May 20, 2008, the following Project Management Methodology option has been selected by the City:

The project construction will be managed by the City of Skagway, which has met the requirements to assume the role of "Project Lead." ANTHC will only maintain program oversight of the project. No technical assistance or project management will be provided by ANTHC.

This Agreement shall take effect upon signature by all parties and remain in effect until the expiration of the "Performance Period" specified within the Commission's Financial Assistance Award, or subsequent Amendment(s) or Addendum(s).

#### E. SUSTAINED OPERATIONS CONSIDERATIONS

The City will assume ownership and responsibility for all operation and maintenance of facilities constructed under this project.

#### F. NATIONAL HISTORIC PRESERVATION ACT REQUIREMENTS

The National Historic Preservation Act (NHPA) provides for cultural resources identification and protection through avoidance or mitigation to avoid unnecessary disturbance of reported or known human burials. The NHPA also requires tribes to be consulting parties if archeological discoveries are made during construction.

The Native American Graves Protection and Repatriation Act (NAGPRA) contains stipulations regarding the appropriate treatment and disposition of human burials, funerary, and associated items discovered on Federal lands or Indian Allotments. NAGPRA recognizes the inherent rights and claims of the Native people but often is inapplicable to ANTHC projects. For this reason, as a policy ANTHC recognizes the inherent rights and claims of the tribal entity when human remains and associated items are uncovered through construction projects.

Therefore, if construction for this project results in the discovery of ancient cultural items (e.g., human burials, associated items, archaeological artifacts, etc.) the City will ensure that the Skaqua Traditional Council will be a consulting party. In addition, the following responsibilities are assumed by the project participant in order to comply with the NHPA, NAGPRA, and ANTHC policy recognizing inherent rights and claims:

- Identifying any known or reported archaeological site, artifact, or ancient human remains to avoid unnecessary damage to sensitive resources.
- Delaying construction in the vicinity of a discovery until procedures in conformance with 36 CFR 800 are complete.
- Determining appropriate mitigation measures and performing all mitigation in conformance with 36 CFR 800.
- Ensuring an archaeologist, retained or employed by any party to facilitate construction operations, will view and document any and all cultural items discovered during excavation if an adverse effect determination has been made.
- Ensuring that if removal of ancient human remains is necessary, the archaeologist will remove the entire body and that unless the Skaqua Traditional Council requests further study of the remains, tests upon or photographs of any ancient human remains will not occur unless specific, separate Agreements have been made with the Skaqua Traditional Council.
- Contacting the Village Public Safety Officer if a modern human burial is discovered to determine if a criminal act can be identified. If the burial is from an archaeological context, the burial will be treated as archaeological remains and need not be treated as a scene of crime.
- Acknowledging that the Skaqua Traditional Council assumes full responsibility for any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the Skaqua Traditional Council reserves the inherent right to determine the appropriate disposition of any and all cultural items discovered during excavation on all but private lands.
- Acknowledging that the inherent claims or rights of the Skaqua Traditional Council are not diminished by the fact that the land is under ownership by another party.
- Ensuring that if a discovery is made on Federal lands, Indian Allotment lands, or lands not yet conveyed to the Village or Regional Corporation, parties to facility construction operations shall comply with the NAGPRA if appropriate.
- Acknowledging that all other inherent rights and claims regarding any and all cultural items discovered on any lands other than private lands during excavation for or in support of facility construction not expressly covered in these responsibilities are reserved to the Skaqua Traditional Council alone.



## G. ENVIRONMENTAL REVIEW REQUIREMENTS

ANTHC believes the Denali Commission is the cognizant federal agency for this project. The Denali Commission requires that a National Environmental Policy Act (NEPA) review be completed prior to the expenditure of federal funding. The City is required to obtain a Finding of No Significant Impact (FONSI) or concurrence on a FONSI from the Denali Commission prior to expending any federal funds on this project.

## H. AUTHORITY FOR APPROVAL

Upon signing this document, the ANTHC Chief Executive Officer delegates authority to sign all subsequent agreements related to this project to the Director of Operations, DEHE.

## I. PROVISIONS FOR PROJECT COMPLETION

The following sections from the ANTHC, DEHE, Cooperative Project Agreement Provisions Manual for Health Facilities Projects (Orange Book), dated June 2003, are incorporated into this Agreement by reference. The Orange Book is available at <http://www.anthc.org/cs/dehe/vilctct/> for the purposes of this Agreement, all references to "Local Participant" and "Force Account" shall mean the City of Skagway.

- Section 1, "Provisions for All Cooperative Project Agreements"
- Section 3, "Provisions for Local Participant Management of Force Account Labor and Local Procurement of Force Account Management" (references to "Force Account" in the title of this section are not applicable to this agreement)
- Section 5, "Insurance and Indemnification Provisions for Force Account Labor Projects Managed by the ANTHC or the Local Participant"
- Section 6, "Assurances for All Construction Programs" (Standard Form 424D)

The following federal provisions apply to this project:

- 15 CFR 24, Uniform Admin Requirements for Grants/Cooperative Agreements to State and Local Governments  
<[www.access.gpo.gov/nara/cfr/waisidx\\_99/15cfr24\\_99.html](http://www.access.gpo.gov/nara/cfr/waisidx_99/15cfr24_99.html)>  
(Applies to local or tribal government)

- OMB Circular A-87, Cost Principles for State and Local Governments and Indian Tribal Governments <[www.whitehouse.gov/OMB/circulars/a087/a087-all.html](http://www.whitehouse.gov/OMB/circulars/a087/a087-all.html) > (applies to local or tribal government)
- OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations <[www.whitehouse.gov/OMB/circulars/a133/a133.html](http://www.whitehouse.gov/OMB/circulars/a133/a133.html)> (applies to all Agreements)
- 15 CFR, Part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Nonprofit, and Commercial Organizations  
<[www.access.gpo.gov/nara/cfr/waisidx\\_99/15cfr14\\_99.html](http://www.access.gpo.gov/nara/cfr/waisidx_99/15cfr14_99.html)> (applies to non-profits)
- OMB Circular A-122, Cost Principles for Nonprofit Organizations  
<[www.whitehouse.gov/OMB/circulars/a122/a122.html](http://www.whitehouse.gov/OMB/circulars/a122/a122.html)> (applies to non-profits)

## **APPENDIX**

Project Authorization 00397-C dated May 20, 2008

Maps

Project Activity Map

# Project Authorization

Date

May 20, 2008



510 L Street, Suite 410  
Anchorage, AK 99501

(907) 271-1414 (ph)  
(907) 271-1415 (fax)  
www.denali.gov

Program Manager Denali Daniels

Federal Co-Chair

Certifying Officer

Project Number

00397-B

Project Title

Levelock Clinic Construction

Performance Period

June 1, 2008 through June 30, 2010

Commission Amount

\$1,413,425.00

Match Source (s)

IHS, BBEDC

Match Amount

\$358,356

Pursuant to the terms and conditions of the Award, this authorization:

Provides the Alaskan Native Tribal Health Consortium (ANTHC) authority to proceed with construction of the Levelock clinic construction project. Funding in the amount of \$1,413,425 is authorized. Of this amount, \$156,330 is dedicated to project management fees.

Match funding sources include the following:

Indian Health Service (equipment funding)  
\$176,356

Bristol Bay Economic Development Corporation  
\$182,000

Total Project Cost: \$1,771,781

ANTHC Project Number for Levelock Clinic Construction is AN07-GJ6.

Milestone for this project include estimated start date to meet late 2008 summer barge schedule with a spring 2009 completion date at the earliest. One year warranty period is included making the estimated project completion June 2010.

# Project Authorization

Date

May 20, 2008



510 L Street, Suite 410  
Anchorage, AK 99501

(907) 271-1414 (ph)  
(907) 271-1415 (fax)  
www.denali.gov

Program Manager Denali Daniels

Federal Co-Chair

Certifying Officer

Project Number

00397-A

Project Title

Craig Clinic Construction

Performance Period

June 1, 2008 through June 30, 2010

Commission Amount

\$4,794,198.00

Match Source (s)

City of Craig, SOA-DHSS, SOA-Leg., USDA

Match Amount

\$2,507,232

Pursuant to the terms and conditions of the Award, this authorization:

Provides the Alaskan Native Tribal Health Consortium (ANTHC) authority to proceed with construction of the Craig clinic construction project. Funding in the amount of \$4,424,442 is authorized for construction and the project management fee in the amount of \$373,756 is authorized for this project, making the total Commission funding amount \$4,794,198.

Match funding sources include the following:

City of Craig  
\$500,000

State of Alaska, DHSS  
\$750,000

State of Alaska, Legislative Grant  
\$500,000

USDA  
\$427,232

Applicant Land (in-kind)  
\$330,000

Total Project Cost: \$7,301,430

ANTHC Project Number for Craig Clinic Construction is AN08-GK8.

Milestones for this project include spring 2008 bid process with construction completed by summer 2009. One year warranty period makes project end date June 2010.

# Project Authorization

Date

May 20, 2008



510 L Street, Suite 410  
Anchorage, AK 99501

(907) 271-1414 (ph)  
(907) 271-1415 (fax)  
www.denali.gov

Program Manager

Denali Danida

Federal Co-Chair

Certifying Officer

Project Number

00397-C

Project Title

Skagway Clinic Construction AN08-GK9

Performance Period

June 1, 2008 through June 30, 2010

Commission Amount

\$2,200,000.00

Match Source (s)

SOA, City of Skagway, Rasmuson Foundation

Match Amount

5,800,000

Pursuant to the terms and conditions of the Award, this authorization:

Provides the Alaskan Native Tribal Health Consortium (ANTHC) authority to proceed with a construction grant for the Skagway clinic construction project. Funding in the amount of \$2,200,000 is authorized. City of Skagway shall oversee the project utilizing construction administration services of Livingston Stone, LLC. Per the FY08 Memorandum of Understanding (MOU) between the Denali Commission and the ANTHC, no project management fees apply to this project.

Match funding sources include the following:

City of Skagway  
\$4,000,000

State of Alaska  
\$1,000,000

Rasmuson Foundation  
\$800,000

Total Project Cost: \$8,000,000

ANTHC Project Number for Skagway Clinic Construction is AN08-GK9.

Milestone for this project include estimated start date June 2008 with a completion date projected for October 2010. One year warranty period is included making the estimated project completion October 2011.



Clinic Location

Skagway Clinic  
AN-08-GK9  
July 9, 2008